

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

KAREN KEALY, ET AL.

§

§

Civil Action No. 4:19-CV-458

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(Judge Jordan/Judge Nowak)

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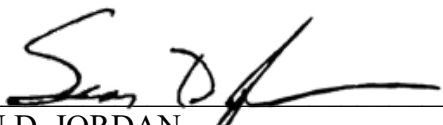
MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 28, 2019, the report of the Magistrate Judge (Dkt. #7) was entered, containing proposed findings of fact and recommendations that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) due to Plaintiff's failure to serve Defendants. Plaintiff filed no objections to the report, but instead, on November 1, 2019, filed an untimely verified petition in which Plaintiff states "[s]ervice of process can most certainly be effected on all defendants within 30 days of this petition" (Dkt. #8). Over thirty days have passed since the filing of Plaintiff's Verified Petition Regarding Service of Process. To date, Plaintiff has not filed proof of service for any of the named Defendants.

Accordingly, and having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 9th day of December, 2019.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE